

***United States Court of Appeals
for the Second Circuit***



**APPELLEE'S
APPENDIX**

Orig w/affidavit of mailing

76-1324

United States Court of Appeals

FOR THE SECOND CIRCUIT

Docket No. 76-1324

UNITED STATES OF AMERICA,

Appellee,

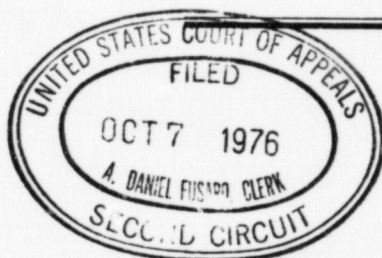
—against—

JACK G. SCHWARTZ and GEORGE SARKIS,
also known as "George",

Appellants

ON APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK

APPENDIX FOR APPELLEE



DAVID G. TRAGER
United States Attorney
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

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PHONE CONVERSATION BETWEEN
GROVE EBBERT AND, FRED MCGHEE
APRIL 26, 1975

F - Fred McGhee

G - Grove Ebbert

G Hello

F Hello, Mr. Grove please

G Yeah

F This Ebbert

G Yeah

F Uh, this is Fred McGhee

G Fred McGhee?

F Yeah

G What's up

F How ya doin?

G Allright

F Listen, what kind of arrangements can, uh, we make with that, on that deal with Jack? Jack Schwartz.

G Didn't you talk to him?

F No, I couldn't reach him.

G Are you the fella that's been calling me all night?

No...I tried to get your phone number, been trying to ge your phone number ever since.... that wasn't a nice thing you did.

G Who? Did what?

F Hit my house, you know my car...I mean that wasn't nice, that was unnecessary.

G I don't know what you're talking about Fred. (Inaudible)

10 second pause, then whistling.

G -----ment you want me to tell him ya wanna make?

F Well, any kind of arraigement to um, pay this off, you know, but uh, I don't see why it was necessary for you to go to work you know, with my car and stuff because, uh, we had made and agreement for you to come back Thursday, you know. But, uh...

- G Well, I don't know, what you're talking about your car and stuff, but, uh, you know I called, uh, that night and everything else and there was no, your wife said there was no way, uh, you were gonna have any money, so I didn't think there was any business me coming back Thursday. You know what I mean, that's why I didn't come back Thursday morning.
- F Yeah, but, uh
- G So what kind of arrangements do you wanna make? You suggest to me, you were in there to see him and he wouldn't talk to ya and if you want me to talk to him about it, I'll take care of that, you know.
- F mmm, but what kind, ah, any kind of arrangements, you know, to make the payments I mean, but ah
- G Well, how much can you make what do you wanna make? How much can you do a week, definitely, every week.
- F Uh, I really don't know right now. You know I was just seeing you uh, talking to you to see what I can, you know, what you think he would take.
- G Even if you pay \$100 a week to pay the \$5000 off that's gonna take a year.
- F Yeah, I know.
- G You know.
- F Yeah, like I was thinking about-----
- G What, what do you wanna suggest to me, tell me what you wanna suggest and I'll call him up, you know if, if I can't, I won't get him to-night, but I'll call him up tomorrow and I'll get back to ya.
- F mmm. Well I'd like for you to make me, you know, see what, see what, what you think he would take, you know.
- G Well, what, what, lemme ask you this, what can you do?
- F Right now I don't know I gotta replace my car, my garage. I mean the whole thing just went up in smoke...you know, and it was, it was moments, it was moments I mean like I would say about 2 hours after you left the house the first time, you know. I mean that was unnecessary Grove, now you know that
- G Well.
- F I mean...
- G What can I tell the man? What arrangements can you make? I mean, can you, uh, can you, uh, get a mortgage on the other house, or can ya, what can you do?
- F Uh, can't get a mortgage on the other house, uh.
- G Can you sell the other house?
- G Sell the other house!
- G What can, you know what are you calling me up for? I don't know what you want, what do you want me to tell him I don't know what you want me to tell him, you know.

F Yea, yea.

G You tell me.

F Yea, but whatdo, whatdaya think, uh, he would do about the fire at my home.

C I don't know what you're talking about as far as the fire in the house. You wanna talk to him about a fire in your house I don't know, talk to him. You wanna talk to me I didn't, I don't have nothin to do with that.

F Look what

G I don't know even know if there is one, I don't know what you're talking about and I don't really want to get involved in anything that he might have done or whatever.

F Grove

G That has nothin to do with me.

F Grove I seen your car, I seen your car you was in. I mean I was out there moments after, after it went up.

G Well, you didn't see my car, because my car was no where near there.

F That Oldsmobile.

G Heh?

F That Oldsmobile

F I don't even own an Oldsmobile.

F No, but you were driving an Oldsmobile when you came to my house, I mean, I could, I could see it out the window what you were driving when, Uh...

G FRED, I don't wanna get involved in what, anything what you wanna suggest and I don't wanna say nothin cause I don't know what you're talkin about. As far as, you owe the man some money, if you wanna make some arrangements with him if, uh, can I arrange it for \$100 a week for awhile until you can get on your feet? Or what? You want me to see if I can arrange that

F I'll, uh, say if you come over maybe I can, I don't know, its really got me in a spot, you know I ain't got no transportation now I, I can't even get out to try and make any money, so, uh ...

G Well I, I don't know what to tell ya as for as, you know, you want me to see if I can arrange it, I'll ask ya again, ya want me to see if I can arrange it for you to pay \$100 a week.

F Yea, see, see what you can do, you know, see what he would take.

G Well, I'm gonna say that you called me up and you suggested to me that it would be, you can arrange to make a \$100 a week until you get on your feet and pay him off the rest of the money. You want me to do that for you, or not?

F Yea, try to do that for me.

G OK?

F Yea.

G And you, you'll pay us say well this is the beginning of the week, we'll say payable every Friday. You have a \$100 a week or you'll mail out the check or whatever. Can you do that?

F As long as nothin else happens, you know like what happened the other night. I, uh ...

G I'll tell him.

F Grove, I know you can level with me I know where it came from, I mean I don't want this happening, I don't want no more problems. You know I got a family there. I don't, I don't want the house to burn, you know, I mean I can't uh, you wouldn't want this to happen to your family right?

G Yeah.

F I mean....

G I, you know, I don't know what you're saying, you know I'm not gonna say that, uh you know you know what I'm talking about. I wouldn't want it to happen, not I, whatever you said is happening. I wouldn't want any problems I don't know. But I don't owe anybody that kind of money, you know. But, uh, alright, listen, I'll call the man up. I don't know if I'll get him over the weekend it's too late tonight, but I call him tomorrow, if not tomorrow Monday, and I'll give you a call back and, and uh, I'll see if I can make arrangements for you to pay \$100 a week until you get on your feet.

F Uh, well, could you, could you reach him tomorrow. You know and call me back and let me know (laughter and talking in background)

G I can call him tomorrow, but if he's not home tomorrow. You know, he might, sometimes he goes away weekends I know that. Has a summer house or something like that. So, but I'll call him tomorrow if I can reach him tomorrow I'll get back to you.

F Yea, but could you give me some idea what time you would call me so I would know to be home I don't wanna, you know, miss it.

G Uh...suppose I call you around dinnertime, say between after 5 o'clock, after, between 5 and 6.

F OK, fine.

G OK?

G Yea, uh, Grove, OK, I appreciate it you can see what you can do for me.

G But, uh, you want, you know, what I'm trying to say is I'll make, try and make these arrangements with him

Uh-huh

G And talk to the man, but you know, it's your business you gotta make the other half. You know what I mean, you gotta do what you gonna say you gonna do.

F Yeah, as long as nobody else shows up around my house you know, and nothin happens around my house.

G You can make a \$100 a week payment.

F Yea, as long as nothing happens around my house.

Yea, well alright, I'll, you know, I'll, I'll explain that to him.

F UH-HUH

G OK?

F OK.

G So, I'll get back to you tomorrow, if not I'll call you up, uh, well, you gonna be out Monday, if I get a hold of him Monday during the office.

F No, uh, uh I'll stay around the house, if uh, waiting to hear from you. Because my family's life is at stake now, you know I don't want this uh, you what I mean ...

G Uh-huh

(inaudible)

G Alright I'll, I'll call you, put it this way, I'll either call you between 5 and 6 tomorrow or between 5 and 6 on Monday. Can you be home then or you want me to call earlier on Monday?

F Yea, OK, that'll be fine, you know.

G You gonna be home then, or do you want me to call you earlier Monday cause he don't get in until about 10 usually, 10-10:30?

F Uh-huh.

G You know.

F Yea, uh try to, try to, try to reach me Sunday, you know, it'd be more convenient for me. Because (inaudible)

G Are you home now?

F Uh, yea, uh.

G Well, I'll try and give him a call now.

F OK.

G And I'll get back to ya, if I get you, alright?

F OK, then.

Rest your mind a little at ease, OK?

Yea, OK Grove

G OK?

F Yea, I appreciate it.

G I'll see ya Fred.

F OK, bye.

G Right, bye bye.

April 28, 1975 Phone Conversation
Between Fred McGee and Grove Ebbert

F - Fred McGhee

G - Grove Ebbert

(Phone Ringing)

G Hello.

F Uh yes, Mr. Grove, please.

G Yeah.

F Fred McGhee.

G Yeah, Fred how are you?

F Fine, how are you?

G Okay.

F How'd you make out there?

G Yeah, I talked to him and ah, he seemed to be agreeable, you know like I said every Friday (inaudible)

F Uh-huh, every Friday.

G Yeah, he wanna it like Monday, wanna it yesterday, you know. I tried to call you this morning but you had already left.

F Ah, huh.

G Ah, you know starting Friday.

F Yeah, did he seem like he was mad or anything at me?

G Well he seemed like he wanted, you know, some of his money you know, but I told him, you know, you called me, and you know, and you want to square everything out and he wanted like two hundred dollars a week, and I said to him that you know I said, that I told the man, he said he had problems and he could only basicly afford a 100 dollars a week till he gets on his feet and explained to him that I thought that a 100 dollars a week is better than nothing or you know, at least it shows some effort, and when he gets on his feet a little bit, you know, he'll catch up.

F Ah, hey Grove, this 100 dollars is it going to come off of my 5 thousand?

G Yeah, it's coming off your balance, yeah.

F Uh huh.

G He ain't a loanshark.

- F Huh uh
- G No, its coming off, off, you know, right off ~~the~~ money you owe him.
- F Huh, uh. But, ah you know.
- C He wants it you know, like he stipulated to me ~~well~~ like what do you think? Do you think he's going to pay it ~~every~~ week or just 100 dollars this week and then 100 dollars two ~~weeks~~ from now, and 100, you know
- F Uh.
- G You better try, every Friday like clockwork ~~every~~ Friday morning, he'd like, he'd like to see a 100 dollars from ya, ~~you~~ know. It would show him, something that ya, you know, between me and you I didn't say. But between me and you if you couldn't get 100 ~~dollars~~ to him, you know at least show him 50 or something like that every week, you know what I mean?
- F Uh, huh.
- G Show him something, it comes right off the top its not going, excuse me, it won't go to any interest or anything like ~~that~~.
- F Uh, uh.
- G You know, probably you'll owe some late charges at the end, but ah, you know, whatever I don't know what he does as far as that goes, but its coming right off the top.
- F You know, what time could you pick this money up ~~on~~ Friday, you know.
- G I'm not picking it up. You'll have to make arrangements to get it there yourself, either my money order or check or mail it, or whatever.
- F Um.
- G You know, I'm not going to go out 52 times or 50 times, you know.
- F Yeah.
- G You're not around the corner.
- F Yeah, cause I didn't wanna really go in there, you know because I don't know you know because I don't know how this guy feels.
- G Well I don't think you would have anything to worry about that, but even if you don't want to go in there it doesn't make any difference. Send em the check, you know send him the check every week, every Wednesday mail out a check. Date it for Friday.
- F Uh uh, I wanted you to know that he has this money, so you know, there won't be no misunderstanding there...
- G Yeah, well.
- F ...you coming back here or cause ah you think he ~~don't~~ got the money, you know, he don't let you know he got the money you know, cause I don't know, you know.
- G Well, no I, I, I, ah, I don't...

- F You understand what I'm saying?
- G I know what you're saying, and I don't want to ah, you know, as far as I'm concerned I have nothing to do with it. It's his money and you know, it's his, it's his problem, you know, it's nothing to do with me, you know.
- F Uh hmm.
- G What you said happened to you I, I don't really know anything about that so, you know I don't really...I don't mind being an intermediary and everything else, you know what I'm saying, cause I do work for the man. You know, whatever, jobs outside and everything else, you know. Repossessions and whatnot, but uh...I'm not, you know I'm not making any visits out to your house if that's what you're driving at.
- F Yeah, well my family's out there...
- G Other than knocking on the door, or whatever you know, I, I you know I, when I knock on the door I expect to be greeted, you know, and not told that you're not home or anything like that, you know. But, uh that's neither here nor there I, uh, you know, that's water under the bridge, or whatever you want to call it. Just pay the man a 100 dollars a week and then, like I said, if you don't have a 100 dollars pay him 50, but mail it into him. You know, Thursday you could mail it Special Delivery, or something like that every week, you know.
- F Uh huh.
- G You don't have to go in there, you know, why should you ride 40,50 miles to go in, you know.
- F Yeah, but I just wanna make sure he's got it you know, because my family's afraid now, you know, that you're gonna do that again.
- G Well, you, you give him his money every week and I don't think you'll have anything to worry, I know you wouldn't have anything to worry about. He is in business to, to loan out money, to charge an interest rate and to get it back. You know what I mean? He's not in business to do anything else other than that. To sell cars, to sell trucks and, and to, uh make some money on his interest, you know.
- F Yeah.
- G He doesn't, uh, make money by threatening anybody or anything else.
- F Yeah, but that other thing you know, like my family's afraid here you know, and I wanna make sure he got that money before, I could get the money to him directly, you know, before...
- G Well, I'm not making trips out there now, and I don't, I don't think you know, It wouldn't pay for me I, you know, I don't; I gotta get paid for my time too, wouldn't pay for me to go out and pick up a 100 dollars every, every week. I don't think you'll have any, you won't have anything to worry about, just send it, if you feel that way, you're afraid, you wanna make sure he gets it, Thursday make out an envelope until you get going find everything else till you get yourself in the routine, Thursday go to your post office out there in Huntington... get a return receipt. Cost you another 30 cents, right?
- F Yeah.

G Mail it to him, it'll cost, it'll cost you, maybe it'll cost you 40 or 53 cents, I think it is.

F Naw.

For the envelope and then you get a receipt back, they have to sign for it at Gaines. There's no problem as far as that goes.

F Yeah, but would, would ya will you know he's got the money, though? This is what I'm taling about.

G Listen, you didn't loan me the money. I'm only, I only do what he asks me to do. If he asks me to go out and knock on your door, I go out and knock on your door. I don't, I'm not going out to your house anymore..you understand what I mean.

F Yeah. Yeah.

G Don't worry about that...I'm, you know, I'm telling ya now. Pay the man his money you know, and then, you won't have any problems.

F Yeah, but he might not send you. He might send somebody else, You know.

G As I said, I got his word to me.

F Uh hmmm.

G He's satisfied with that kind of an arrangement. He wanted more, but I, I reasoned with him. I guess better than you could reason with him at the time. You know what I mean?

F Yeah, right.

G That's why I don't mind being an intermediary. I, uh, you know, as I said before, I can talk to him and, and, you know, and he can listen to me, where you can talk to him and maybe you talk to him and promised him promises before, which you weren't able to keep. But I talked to him and told him what I thought, what I thought he should do and, and which is the arrangements I tentatively made with you. I said, you know, I asked him how much he could afford and he told me, you know, I suggested this, a 100 dollars a week and he said he can do it. And he wants to do it and he want to know if that will be agreeable with you and he said fine. He says uh, make it every Friday. He said every Monday, have him come in he said have him send a 100 dollars in, you know, today, or every Monday hereafter. I said, well let's give the man a chance, give him a little breathing room, I said we'll make it the end of every week, every Friday.

F Yeah, because I thought this was all taken, all taken care of like I explained to ya before. I thought it was all being paid, but uh, he never notified me that it wasn't being paid, or he didn't says anything because the next I knew that you and this other guy was knocking on my door.

G Mmm...

F You know he didn't notify me, he didn't give me no warning, or nothing.

G Alright, well, as I said..you know, let's not even worry about it you know, just pay the man what you owe him. If you got to go a 100 dollars a week for the 50 weeks, you know, fine, you know, if you come up with something, you hit a horse, or something like that you know you want to pay if all off fine too, you know?

F Mm Hmum.

G But he, he'll be happy with a 100 dollars a week so you won't have anything to worry about there.

F (Inaudible)

G I guess he'll be happy with something every week, I'm telling ya this off the record, you know

F Yeah.

G I, like I said, you know, if you can send us 50 now, once in a while you, you want breathing room or, you know, somebody's birthday, Christmas, or something like that, you know. You know what I mean?

F Uh huh.

G He isn't a bad guy, he's just a when he gets...

F I'll tell ya, I took him to be a bad guy after what happened to my garage, you know.

G Well.

F So, you know

G Well, he isn't a bad guy it's just I guess, too many, you know, I don't know what happened, oh you told me what happened to your garage, but I don't, you know, I guess too many straws that broke the camel's back, you know, but what are you, gonna do. I know Mignoli's giving him the business, Taylor's giving him the business, you know?

F Mm hmum.

G Hey, you know, there's nothing more to say, you just make your, you know, make your arrangements with him. And you know, as I said everything will be happy and you'll, you'll have his word through me that he'll be satisfied with a 100 dollars a week every Friday morning. So for the first couple of weeks send it to him that certified mail so you know, everybody's happy. You don't hear from anybody, you, you know?

F Yeah.

G You know what I mean? Nobody's gonna uh, do anything more. If there's problem, I'll get in touch with you back over the phone, OK?

F OK, then.

G Alright? So you make sure you send him, at least send him this 100 dollars on time, anyhow get the first one going right.

F Uh huh

G OK

F OK, Grove

G Alright, Fred?

F Alright, I appreciate that.

A 12

- 6 -

G OK take care

F OK, you too

G Bye bye.

Bye now.

May 2, 1975 Conversation between Jack
Schwartz and Fred McGhee

GOVERNMENT'S EXHIBIT 57(C)

F - Fred McGhee

J - Jack Schwartz

J McGhee

F Yeah, how ya doing Jack?

J You wanna come in?

F mmum
(several minutes of unrelated background conversation)

J What daya got? Some money for us?

F No, I have no money
(Phone rings) - (unrelated background conversation)

J Every God damn 5 minutes another problem

F Now, uh what kind of arrangements can we make on ...(inaudible).

J You tell me, how ya, how you gonna pay us back?

F Well, right now Jack I don't know. I just lost a car.

J (Inaudible)

F mm-hmm

J I don't wanna know anything, I don't wanna know anything, except
how you gonna pay me back?

F Well, wait a minute. This is involved in this.

J I know, but I'm not concerned about thing that may change it or may
not make it for you. I just wanna know it and that's all, I'm not
interested in all the other stories.

F Well I'm interested in it because it's costing me money

J Well fine, then you get interested before you come here. But when
you come here, I'm not interested in it. I'm interested in only
things that are related to you and me. How am I gonna get paid?
If things have happened to you where you can't afford x amount of
dollars, fine. You tell me what you can afford and what you gonna
pay me. That's all I'm interested...otherwise I'll sit and tell
you my headaches, you tell me yours and we'll accomplish nothing.

F But first of all you got to listen to the story first Jack, to
understand why, that I'm in the pos, position.

J No, no I don't wanna listen to the story why.

F But then, then how, how can I pay ya?

J You tell me.

F I mean I gotta... .

J You say this is what I can afford. I don't wanna know why you can afford it or why you can't afford it.

F But then why, why did you send somebody....

J I, excuse me, I wanna know how much you can afford to pay me and that I'm gonna get whatever you can afford paid on time. That's all I wanna know.

F But see Jack this, takes me that that much further back. Now I got a car to pay off which wasn't insured. I gotta-a garage to pay.

J Excuse me, how much are you gonna be able to pay?

F Jack, truthfully I don't know. Right now I do not know.

J You came down here to tell me that you don't know how you're gonna pay me?

F I wanna know what are you gonna do about replacing my garage and my car.

J I don't know anything about your garage, anything about your car, anything about anything. All I wanna know is did you come down here to tell me how much you're gonna pay me?

F I came down here to see what kind of arrangements we could make.

J Fine, tell me.

F Now, you got ... Cappiello's took all the equipment back. He's paying for it. You gotta a lien on my house. Why was my garage and my car burned?

J Look McGhee, I wanna know just one thing. How much you gonna pay, I don't wanna discuss....

F But Jack why, why come after me? Why come after me? You've got all the collateral you need.

J Excuse me, McGee, we're going off the beaten track here.

F Yeah, I know, I know.

J We're accomplishing absolutely nothing.

F You're right.

J You're gonna say Jack, this is all I can afford right now. I will pay more after a certain date... this is why I will pay I'm - (inaudible) I'm I'm not gonna go to rehash all this shit.

L Yeah, because you know the predicament I'm in.

J I don't wanna know your predicament and you don't wanna know my predicament.

F But don't you have a lien on the, you gotta lean on the house, right?

J Excuse me?

F But then if I can't talk to you, then what's the sense?

J I just wanna know what you're gonna pay me, don't start, yes I got a lien on the house that's worth shit.

F Yeah, but then....

J The house is worth shit!

F But then why take, why burn my garage and my car then?

J Hello.

(Phone rings - unrelated background conversation)

J You know what I suggested McGee.

F OK

J You think about how much you can pay, you think about your financial status and then call me, to sit here and just stare at each other it, it doesn't make sense.

F It really doesn't.

J No.

F It really doesn't because ...

J I, I wanna know how much I'm gonna get and that's all I'm interested in really, I'm not interested in anything else.

F Right

J You can take your house, I'll give you back your mortgage and you can shove it someplace, I don't care about your, your house that I have a mortgage on.

F But then what do you got William Cappiello paying?

J I want, I want

F He's paying you for the equipment that I got from you.

J What he's doing with me has nothing to do with what you owe you.

F But then why you charging both of us with the same thing?

J Excuse me--it has nothing to do with you...what I'm doing with Cappiello. If I get money from you I'll, I'll credit it to Cappiello's account... because he has been laying out the money. But what I do...

F He's got the equipment also.

✓ Right.

F But then why should you, why should you credit it to his account?

J Because there is money you owe us from the day he took the equipment.

F Yeah.

J You know and that's the money I want.

F And what does this consist of, how much?

J I would say roughly about \$4,000.00

F Well they come to collect \$5,000.00 ----Pause----Now, I mean...

J I said roughly, it could be 5-\$6,000.00---Pause---I'm giving it to you very rough. You start telling me how much you can pay we'll give you a statement of how you owe us and how it's gonna come out. But first I have to know how much you're gonna be able to pay.

F Jack, right now I'm not gonna be able to pay you anything, because Jack, for the simple reason, I got no transportaion, I got a car to pay up.

J Wait a minute, you came all the way down here..

F Wait a minute

J to tell me you can't pay me?

F No, no. I come all the way down here to tell you that we were, could make arrangements in the further future, so you don't send these guys back to my house.

J (Phone ringing) tell me (Inaudible) McGee, -- I'm willing to listen -- (inaudible)

(unrelated background coversation)

J Tell me when in the future...

F Jack, I figure it's gonna take me now about 6 months to get back on my feet.

J Yeah.

F To pay this car off...have my garage repaired. Pause...can uh, I mean could ya wait that long?

J 6 months, no

(Pause)

F Cause Jack, I lost more than \$5,000.00 with the car and the garage.

J You tell me uh, a shorter time and maybe I will. But if you tell me somethin, I'm telling ya right now what you tell me better be the truth, don't bullshit me...if you play straight with me, fine. Pause...but I'm not waiting 6 months.

F Yeah, but you'll ride my back and these finance companies are gonna be riding my back because Jack, truthfully the car was, insurance was cancelled on the car the 3rd of last month...and the car did not have any insurance on it.

- F I owe \$3600.00 on the car ---Pause---you know what I mean, so this put me in a, really in a spot. Now I know you was expecting money to be sent out today or either brought down here today, but I can not afford it. This is why I'm here.
- J Fine. Tell me how much, fine you tell me you can't have it today but I'm not waiting 6 months.
- F How long can you wait? ---Pause---I mean you gotta give me a chance to get myself straightened out here with this, with my car and garage and stuff. They come in and started a fire. My father....
- J Excuse me?
- F Hey Jack you got, you got, you gotta hear this!
- J Inaudible -- involved with this, please I'm not interested in this.
- F I know you're not interested. I am. But my family's in that house.
- J How bout your wife? Your wife works. \$300 a month,
- F \$300 a month?
- J ...starting July 1st
----Pause-----
- F Jack, the entire bill was only \$609...and I had the equipment to work with. Now I don't have anything to work with. You gotta understand it.
- J Get a hold of Cappiello.
- F But what can I do with him?
- J I don't know, work something out with him.
- F He signed a, he he signed a statement that he would take over all the obligations I owed to you.
- J That's right.
- F So, wha, what can he do for me. I mean he's got the equipment, I got nothing to work with.
- J I want you to know Cappiello is struggling to make you, he has, Cappiello owes me a fortune of money. He hasn't made any payments but at least he comes down here in drips and drabs, he means well and he tries. I always know where to get him, I can always reach him, he calls me. If he can't pay me I gave him uh, uh, I waited uh, 3 months without getting a nickel from him. So you're tellin me he took over his stuff, your stuff. Yeah, he took it over, but nobody's made a God damn payment on anything.
- F Well, Jack.
- J As far as I'm concerned you're guaranteeing it and he's guaranteeing it and I haven't gotten shit out of it--Pause--so don't tell me that eh, the way you said it he took it over and he's taking over the payments.
- F As far as I know Jack, I didn't hear from you.
- J He's paid me \$200 so far.

J (Clears his throat)

F But I didn't hear from you. I didn't know he wasn't paying it.

J Oh you got mail from us and everything else.

(Phone ringing) (unrelated background conversation)

J What other name you going under?

F DFG and (inaudible)

(Background conversation)

J Gonna give you a round about idea how much you loan will be

F Mmmm.

(Phone ringing) (unrelated background conversation)

F Now, now you said up till about July bout the 1st of July. Could you give me August, on that?

J I don't know, I wanna get the exact amount. (Pause)

F But, Jack, whatever date that you're giving to me could you guarantee me these guys won't come back to my house, because

J Lets lets do one thing at a time.

F Jack.

J I'll tell you one thing at a time alright.

F Yeah, but ...

J (Inaudible) Name is DFG

F Right. -- Pause -- Cause my father-in-law is there in a wheelchair, if that house ever caught fire, there's no way in the world, he's in bed with a stroke. There's no way I could of got him out of the house on time.

--- (Pause) ---

J (Clears throat)

--- (Pause) ---

F Do you have a copy on that agreement that, uh --- (Pause) -- that you gave William, William Cappiello taking over, (Inaudible) Could I have a copy of that?

--- (Pause) ---

J I gave you a copy, didn't I?

F I misplaced it.

(Phone rings) (Background Conversation)

(Inaudible) that's how we get over \$5000 which I'm telling you
(Inaudible)...

F That was, I was, took it for granted William Cappiello was paying
it. I didn't receive any bills. I told you I didn't receive any,
the only notice I got was Grove when he came to the house.

J He took it over December 18 and there's been no payments except for
\$200 paid by him and he just started something whereby he's paying
a certain amount of money every month now, right on the button. Just
a small amount of money, but he's gonna reduce it.

F Mmmmmmm

(phone rings) (unrelated background conversation)

--- (Pause) ---

F Yeah, but I told you I hadn't been notified.

J Who's living in the other house now, nobody?

F No.

J Heh?

F No.

J Why don't ya sell it?

F I been trying, can you sell it for me?

J I'm not in the house business, (pause) ---

F I been trying to sell it.

J (inaudible) what's it worth, \$10,000?

F Yea --- (Pause) --- 10 or 15, somethin like that. --- (Pause) ---

J Is it vacant now, completely vacant?

F Yeah, we tryin, we trying to rent it.

J Is it board d up?

F No, it's not boarded up

--- (Pause) ---

You have it with a broker?

F Yeah.

--- (Pause) ---

J What'd they put on it as a value?

They put 25.

J 2500?

F \$25,000...on the house.

J And, and they gave you \$10,000 for it?

F Well they trying to move it and now it's been almost a year now. You know to see if we can get a bite on it. It uh...

J So you giving it through a broker then?

F Yeah, Meiltro

J Meiltro what?

F Meiltro, Mother, mother (inaudible) or something. You know they're nationwide, they all around. They call it in from one office to another one. (Pause) ----- I mean if I knew William Cappiello wasn't making his payments I'd a tried, I'd a been in touch with ya since then, I mean, but not hearing from ya I figured everything was alright. He was making the payments for me.

----- (Pause) -----

J I give ya til August, wha, how much you can start paying in August?

--- (Pause) ---

F How bout 250 a month?

--- (Pause) ---

J Would you pay it every month?

F Yea-----Pause-----Now when I start this up what can we do about my car and my garage

--- (Pause) --- (unrelated background conversation)

J This is what I suggest you do. You start making payments and when you've made about 6 payments then we go back and discuss it (inaudible) you, you live up to your agreement with me and you'll come out alright on everything.

F Jack, are your gonna guarantee me these guys won't come.

J Yes, as long as you guarantee me by your word you say --"Jack, August 1st

J you got a check here". I don't mean August 5th, I don't mean August 10th on August, August 1st I'll have a check here.

F Mmmmm

J And if I see that every month I get that, after about 6 payments come in...I'll call you, we'll sit down...and we'll work a few other things out...and nobody will bother you.

F Is this in reference, you know, like to my garage and my car because, now I don't have any transportation

J I, I will talk to you about that. (Inaudible)--we don't even know if, if both, both parties, I know I'm gonna live up to it because I'll be here to collect the money.

F Yeah.

J I don't know if you're going to live up to it. If you live up to your agreement you'll come out very good and you'll have good credit (inaudible).

F Mmm ...

J The 1st is a Friday.

F Mm-Hmmmm

(Pause)-----

F Maybe you could have one of the girls or somebody give me somethin in writing you know, to that effect, or in case these guys does happen to flip back by.

J Nobody's gonna flip back by anyplace.

(Pause)-----

F Could I get a copy of that agreement that William Cappiello had you know so I know exactly where he stands, cause I don't wanna go overboard with him.

J Yeah.

F He owed me some money too

J He owes you money?

F Right. He owed me the \$5,000 I was supposed to pay you with. Pause--- he gave me an agreement to that.

J Tell me uh, now just wait one second I'll uh...

(Several minutes of background conversation)

F Jack is there any way you can help me out with a I mean,
while, until I can get straightened out --- (Pause, ---

J No-----You have to make the payments. When you're into October,
November; when I see you're living up to what you told me; maybe
at that time I can help you, but not now, you've got a long time
between now and August 1st to see if you stick to your agreement.
It's a long way off, 3, 4 months.

F Sure wish you'd a contact me before Grove and them came out there.

J Before who?

F Grove

J Leave Grove out of it.

F Excuse me?

J Grove has nothing to do with it, forget about Grove.

F Yeah, but he came to collect the money, though, Jack

J (inaudible)
----- (Pause) -----

J If you can work this thing out by yourself, pay your dough, I'll give
you a car for nothing.
(Pause) -----

F Alright, what's the total on that again? She's gonna write up an
agreement anyway.

J The base price is 30, 35, uh, 75, 3750 375, then on top of that we
can give you a whole statement.

F Mmmmm
----- (Pause) -----

F If I live up to my agreement. Now you ain't gonna give me no pile of
junk to ride around in or anything. I mean mine was a 73.

J I didn't say, I said I was gonna give you a car. I didn't say what,
who, or where. I don't have to give you anything.

F Yeah, I know
----- (Pause) -----

F Always got myself (inaudible)

- J I didn't ask you not to pay your bills, I didn't ask you to get into this mess begin with. All I did was uh, lend you money on something in good faith and I expected you to pay me, but you didn't pay me. Anything you got yourself into has nothing to do with me.
- F I didn't pay you only because I thought it was being paid Jack. Now you know.
- J What you thought and this and that I can't help you. You knew..
- F No, I didn't
- J You knew very well you owed me money. It has nothing to do with Cappiello or anybody else. You knew you owed me money.
- F Yeah, but I didn't hear from you and I thought it was being paid.
- J You heard, from me, you had correspondence from me. You know it. Lets not go through this shit! You had been approached by other people who told you I was looking for you. And you had been told by us. You had complete knowledge that you owed us money. Uh, let's not, you know, let's get past the bullshit stage, let's be honest with each other. You didn't pay, from now on you're gonna pay. Let's forget the past. We're gonna have a good relationship, fine, let's have a good relationship but don't bullshit me.
- F Yeah well, you know I'm a poor man. When you take a loss like I took, boy that really hurts!
- J Hey, if you treat everybody the way you treated me and you meet all obligations late your like you met mine you'll always be a poor man. Nobody will ever give you the fucking right time.
- (answers phone)
- F But I was paying up until he took it over ----(Pause)-----
- J (inaudible) that's how Cappiello got hung --- (Pause)---of all these guys Vic is the only guy, even though he hasn't made any payments, the only guy who's made a real honest attempt.
- F Yeah, but that was the agreement that you gave, that he made, that he signed when he took over the, uh took the 66, 65 Kenworth back. That he agreed to pay you this money.
- J Excuse me, it says right over here that if you don't make the payments he has to guarantee it. Cause I have both of you as guarantors. So when you didn't make the payments I had to give it back to him...And of course he didn't make very few payments
- F Yeah. Well I didn't know he wasn't paying it at all
- J You never spoke to him all this time
- F No..I...couldn't get in touch with him
- J (Inaudible) I could always get a hold of him yeah, well ...

F His phone's been changed, his number's disconnected.

J He always calls me and tells me he can call me

F He never let me know.

He called me this morning ...

F Yeah.

J before you came here.

F Uhh...uh..alright.

J OK. We got no more troubles.

F I hope not, I hope not, Jack

J Well, you got my word on it. Now all I have to hope is your word that you're gonna have a payment here starting August 1st.

F (Inaudible) All I'm concerned is that he knows about this agreement between you and I. You know, Grove and this other Spanish guy, or whatever he is, knows that this

J Look, he knows.

F He knows?

J Yep, he knows. We made an agreement I expect you to pay me.

F OK.

J OK.

F Thanks a lot Jack.

J Alright.

F Bye Bye.

GOVERNMENT'S EXHIBIT 58(A)

April 19, 1975 Phone Conversation
between Jack Taylor and Sy Roth

JT - JACK TAYLOR

SR - SY ROTH

Unknown
Subject: Gaines Oldsmobile?

JT: Ah, Sy Roth please.

Unknown
Subject: Hold on please.

(Pause)-----

SR: Hello?

JT: Sy?

JT: Jack Taylor.

SR: Hi, Jack

JT: Man I'm very upset. I don't know whether to take
him seriously or not.

SR: You better take him seriously.. I don't really think
the man is bullshitting.

GOVERNMENT'S EXHIBIT 58(D)

May 5, 1975 Conversation Between
Jack Taylor and Jack Schwartz

JT - JACK TAYLOR

JS - JACK SCHWARTZ

JT: Hi! Is JACK SCHWARTZ in?

Unknown
Female:

He's on the phone right now. I'll have to ring him
as soon as he is finished. (long pause).

JS: Yeah.

JT: JACK, I want to straighten it out with you, and you know
I don't like the way it's going. What can I do, oh, you
know... VIC took the trailer. I have a contract
here with Hemingway. I couldn't truck for them.
I have no income (pause)

(Unrelated Background Conversation)

JS: Do you know where that trailer is, the Freuhauf?
Is that picked up do you know?

JT: The Freuhauf, no.

JS: I sent somebody out to pick it up.

JT: It's not there in the yard.

JS: It's not there?

JT: No. I took all that stuff off.

JS: Who took it off?

JT: I did. I pulled it away

JS: What do you mean you...

JT: I did, I'm not on that yard anymore.

JS: I know

JT: I moved my trucks out.

JS: You hadn't took the Freuhauf off. Did you?

JT: Sure I did.

JS: You did take the Freuhauf? You told me you weren't
going to touch it.

JT: Well under the circumstances I wasn't going to leave
it there.

JS: I sent a guy out there to pick it up.

JT: I took all my stuff before I got my landlord involved.
If I'm not on the premises....

JS: I sent a guy out there to buy it.

JT: If I'm not on the premises and the landlord is there he going to...

JS: I sent a guy...that day to pick it up. (pause) you had that

JT: Yeah (pause) JACK...I'm not sure about that trailer it's the only thing I have working for me...

JS: Which trailer?

JT: The one that VIC took, the Brown trailer.

JS: What do you want from me?

JT: Well I'm making payments to you.

JS: So?

JT: Sol

JS: You're making payments to me for him.

JT: I'm making payments to you for myself.

JS: Yeah, but you...

JT: What am I paying for?

JS: But you have to got your deal straightened out with him. What has it got to do with me? You get it straightened out with him. I don't give a shit.

JT: Oh, JACK, I'm making payments to you. If he got that trailer, which he doesn't even want, then what I'm going to do? I'm out of business.

JS: He told me...I told him: I says you are taking over the payments and you are going to end up with it.

JT: Right.

JS: No, that wasn't my deal. Then you straighten it out with JACK and let me know. That's all. It's as simple as that. You two straighten it out. Let me know, I don't care. He just asked me if I would lease you that trailer and a tractor, I said no.

JT: The trailer we had an agreement on.

JS: He said....would lease you a tractor and a trailer, I said no.

JT: The tractor is the a...

JS: (Inaudible)

JT: Now I'm trying to work...equitably...with him. I don't try and make deals that hurt him or you or anybody else. I have close to seven or eight thousand dollars in the tractor and trailer that he's talking about. That trailer I sat here with you, I gave you a check for a \$1,000...

JS: What did he say to you?

JT: I says let go down and talk to JACK, and you take over the payments which has already considered I'm

making on the trailer. But how can I make payments on the trailer when he can pick it up anytime he pleases? There's no logic to it.

JS: He said it's alright if you take over the payments.

JT: Right! On the tractor and trailer. He doesn't want the tractor and he doesn't want the trailer. I got put close to 7, 8 thousand dollars in that trailer.

JS: If he comes down and gives me something in writing to that effect I give it to you.

JT: He owes me money. But now he denies that he owes me money so...

JS: I don't want to get involved with that. Let him come down here and give me a release on it and you take over all the payments.

JT: Alright, fine. That what he called you for. He was supposed to come down with me today...

JS: No, no he didn't say that to me. He said; would I lease you a tractor and a trailer and I said no.

JT: His tractor and trailer which I've been paying you...

JS: He didn't say that; he didn't say that.

JT: He was supposed to come down with me.

JS: And, I thought he was going to work out something where he was going to get money and this and that. If he would have said take over the exact payments...

JT: No, No.

JS: (Inaudible)...take it away from him

JT: I have...

JS: What's happening on that White? On that lease you signed?

(Unrelated Background Conversation)

JT: (inaudible)...now on Wednesday for the purpose of signing a release for one year anyway. At that point, I can pick up like \$3000 of which I can give you \$1000 anyway you want to put it.

(unrelated background conversation)

JS: What are you going to do with the other 2 leases?

JT: The other 2 leases? The one lease.

JS: The one lease, yeah.

JT: Well, let me fix the trailer, let me get the money then I'll take the White.

JS: No! No! let me know now.

(Unrelated background conversation)

JT: you can't do things, JACK, I'll be very honest with you; you got me very nervous. If you threaten me, I can't

JS: Excuse me.

JT: I can't act that way, JACK.

JS: JACK, Let me ask you a simple question. I don't care how you work or how you don't work...

JT: Yeah, but JACK if I honestly can't do it, suppose I legitimately go broke then what? Then what? Do I have a problem?

JS: JACK, if you legitimately went broke that's all I can tell you. Because I tell you this, if I get fucked from you I'll break your arms and your legs and I'll tell you that right to your face.

JT: What do you mean get fucked by me?

JS: If you go legitimately broke, fine. That means...

JT: That's all I'm talking about.

JS: That means you have sell your house something something like that fine. I...

JT: Do you think I would deliberately make money and not pay you?

JS: Yes, its possible.

JT: I don't have a history of that with you.

JS: I don't expect you not to pay me and still live in a house that's beautiful. When a guy goes broke he loses everything. If a guy loses everything then I don't care. I don't go after a guy like that.

JT: I don't know how to treat my wife. I'm on the verge of a bankruptcy as it is. You know, all I want to know, if I honestly work hard...

JS: How do (Inaudible) on the...verge of bankruptcy?

JT: I have been. I don't have anything to work with JACK. I'm not a rich man.

JS: So what happened?

JT: You know I started with all this with next to nothing. And I didn't make that much money. I'm not sitting there with...

JS: (Inaudible)

JT: I must have the trailer. If I get the trailer by tomorrow or the next day I can come up with like two grand. I'll make payments; bring the 71 tractor up to date and the other stuff.

(Unrelated Background Conversation)

JS: Where are you going to raise \$2000?

JT: You know, I can raise \$2,000 if I can prove that the trailer is mine, because I have to sign a lease for the tractor and the trailer. They won't accept as it seems...unintelligible... leasing where I can't prove that I'm going to have it; because I had a the letter of intention or so

JS: You get down here and I do it. Alright. I set it up but I want to know. at I'm going to on that other one.

(Unrelated Background Conversation)

JT: You know, JACK, you really threw me when you sent that guy out to my house...that upset me very much...

(Both men speaking at the same time).

JS: ...JACKIE, what are you going to do with that trailer. What are you going to do with the trailer are you going to lease that trailer? You signed a lease already with it. The tractor I mean

JT: The tractor?

JS: Yeah..(Inaudible)

JT: I'll work it out with you, but you got to tell me that you're not going to send goons out to my house. I can't take this JACK.

JS: Are you going to make the papers on it?

JT: Well, we'll rearrange it without the trailer. I don't want the trailer.

JS: Forget the trailer..I'll give it to you without the trailer. Come down tomorrow and I'll make up leases with that and all three vehicles on one lease.

JT: You got to promise not to threaten me, JACK. I can't work this way and I won't work this way.

JS: You going to take the (Inaudible)...you'll have a friend for life. Okay? Come down tomorrow with him.

JT: I don't know if he's available.

JS: (Inaudible)

JT: He's going to be on the road tomorrow. Can you try and reach
(Both men speaking at the same time)

JT: (Inaudible)...the Brockway

JS: And the Brown?

JT: And the Brown...(Inaudible)

JS: (Inaudible)

JT: (Inaudible)

JS: (Inaudible)

JT: Hello SANDRA? Pause SANDRA? Do you have VIC MIGNOLI's phone number? (pause) JACK TAYLOR (pause)---. Sitting at... JACr's ..desk.

(Pause) - - - - -

JT: Yeah, yeah, yeah, that's it. Alright. Thank you. Unintelligible...

(Long Pause)

Unknown female: JACK TAYLOR?

JT: Yeah

Unknown female: I have a call for you, VIC CAPPIELLO...(Inaudible)

JT: Hello? (pause) VIC?... (Inaudible)...Brockway and the trailer (Inaudible) Hey VIC, come on will you I have \$3500 in that trailer. Come on. I'll work it out with you. Don't get flippy with the phone. I'll work it out with you I don't have 428 cash to give you. That's uh, I can't do everything VIC. (Inaudible) holding (pause) JACK, do you want to talk to VIC?

JS: Yeah, VIC...you want to (inaudible) for Taylor? (pause) (inaudible) He's gotta make all the payments and bring it up to date. What do you mean your account is credited (Inaudible)? If he takes the Brockway you have no more payments. (Pause) ----- (Inaudible) thats all right. Alright. (Inaudible) (Pause)..... I told him the Brockway and the Brown trailer.

JT: Yeah, you cut me off. Hello?

JS: Hello?

JT: Yeah.

JS: Your're on there. What do you mean I cut you off?

JT: Yeah.

JS: You still got him? (Pause)

JT: I'll work it out with him...But I can't do it immediately. When I took the reefer, the reefer unit was not working. I put 500 into that. It was not working, no...Inaudible.. well, I'll have to work it out with you. I can't give JACK money and you money the same time. Alright, I'll call you at home.

JS: He's gotta pay me before he pays you. I gotta get money and bring this up to date first. You come second. I come first. Goodbye, let me go to work. Yeah. (pause) I gonna make up the papers you come down here tomorrow; sign the release and I'll give it to him.

JS: You better straighten it out with him. Says he wants \$328.

JT: JACK, I can't do it. I just legitimately can't do it. I can do it in a few weeks.

JS: You two work it out. I don't want to get involved here. All I know is he is gonna have to pay me. He is gonna have to bring this up to date. I couldn't give a shit about your money right now. There's too much money owed me. You wait for your money. I don't care. You work it out with him. He's here now. If you want to speak to him, fine, otherwise let me get off the fucking phone.

(Pause)-----

(Inaudible) pick it up over there; (Unrelated Background Conversation)

JT: Hello, I'll speak to you at home alright JACK, I can't go on. (pause)

JS: (Inaudible)

JT: (Inaudible)

JS: You want to call me tomorrow

JT: Alright. I'll call you tomorrow. Right.

JS: Unintelligible...I'll put all three on one lease and make one payment and I don't know what the back, do you what the back payment is on his two trucks?

JT: (Inaudible).

JS: Inaudible.the Brockway ..(Inaudible).

JT: CBC, CBC, CBC Leasing

JS: (Inaudible) a 70 Brockway Truck and a 69 Brown trailer...

(Background Conversation)

JT: (Inaudible)

(Pause)-----

(Unrelated Background Conversation)

JT: That truck came from Bruno. The trucks that came in here came from Atlas or Bruno or Arthur Good. They came from legitimate houses, JACK they weren't garbage trucks.

JS: You picked that up from BROWN. Everybody picked up everything BROWN has (inaudible)
JS answers the telephone.

(Unrelated Background)

JT: He took the trailer. I gave him a \$1000 towards the Brockway.

JS: Its a trailer

JT: Unintelligible.

JS: He owes this is what they owe on both...(Inaudible)

JT: \$8,000, JACK.

(Inaudible)

JS: He got the last two months paid on the Brockway. If he brought you up to date he owes 1713. You made a payment its credited \$1713.

JT: How much is on the Brown?

JS: Brown? \$573.

JT: Is that three payments? you got a hundred....

JT: You got...you paid some money on that. You got half of February, March, April and May. This is through May.

JT: Including May.

JS: Including May.

JT: Unintelligible...I'll show the trailer, I'll show that I own the trailer or that I'm going to own the trailer.

JS: I'm going to give you a lease that says that you own it at the end that you x-amount of payments left and x-amount of dollars. You own it at the end.

JT: But, fine, but this way I'll be able to pick up my \$2,000. I'll give you a thousand every week immediately. Alright?

JS: Unintelligible...you call me tomorrow and I'll make a lease on all three of them...(Inaudible) I'm gonna show you x-amount of payments, of x-amount of dollars, and back payments...(Inaudible) in this amount and (Inaudible)

JT: JACK, Please understand that I'm not a rich man. I was doing well, unintelligible (Both men speaking at the same time).

JS: Besides the \$1700 everything else you are gonna be paying as you are going...unintelligible.

JT: Alright

JS: Call me first cause I'll have to make up the leases.

JT: Alright

GOVERNMENT'S EXHIBIT 58(E)

July 7, 1975 conversation between Jack Taylor
Jack Schwartz and Sy Roth.

JT - JACK TAYLOR
JS - JACK SCHWARTZ
SR - SY ROTH

JT: My name is JACK TAYLOR. Today is July 7th and I am
going to speak with JACK SCHWARTZ of Gaines
Oldsmobile.

(Background conversation) (Long Pause) ---

JT: Hello SY. (pause).
(Inaudible)

SR: How are you doing?

JT: Lousy, I'm not doing anything. (pause) (inaudible)
(Background conversation)

Unknown Female: JACK does he know you're here?

JT: SY told him.

Unknown Female: Oh okay. (pause)
(Background conversation)

JT: Jack, (pause)--- I want to solve our problems JACK.
I don't know how to go about it.

JS: I don't know either. I'm being honest with you. I
really don't. It's the type of thing that none either
of us wanted. It's the type of thing that when it
happens it's not that easy to resolve. I'm not trying
to give you a hard time. I'm just stating a simple
fact: The police are after us... they called (inaudible)
(unintelligible) did he call you back?

JT: No, No he never called me back.

JS: On the Brown, I thought he took a Brockway from you
too? He took the Brockway from MC CABE but they are
giving it back to him. They thought it was stolen
also. They have it up here.

JT: I don't know anything about it. All I know is
about two trailers.

JT: The other one

JS: Forget about it. We never

JT: Well they picked that up too.

JS: I know, but we never cared about that one.
We never used that one.

JT: Yeah, I know...SY, JACK.

JS: The Brown.

JT: JACK I put a lot. I put 4,000 into the Brockway.
I put 4,000 into....

JS: I got a lot of money pending - owed me.

JT: I know you do.

JS: (Inaudible)

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JT: I have to split it between you know, introducing you to customers and what I did with you personally, but right now I am out of business. I don't have any money. I put all my money into those two riggs... to run....

JS: You don't have a trailer. Right?

JT: I don't have a trailer.

JS: I understand that.

JT: And I got \$4,000...

JS: (Inaudible) - pick up from - (Inaudible)

SR: We won't know about that until Thursday... (inaudible)

JS: What is that a tractor or a trailer?

SR: That's a tractor.

JS: We need a trailer.

JT: Look! Right now I need a trailer... I had a reefer trailer. That's why I went into it because of the reefer trailer...

JS: The Brown

JT: The Brown yes.

JS: Has he got another one?

JT: I'm very upset over it.

JS: Has CAPPIELLO got another one?

JT: I don't know what he has now or doesn't have

JS: He told me he has... a Brockway, is what a tractor?

SR: A tractor, yeah.

JS: Oh.

JT: JACK, I need the money.

JS: Money I haven't got for you.

JT: I don't understand, if I...I know that you need money. I would have been paying you money if I had been in action.

JS: I understand that.

JT: I am really out of action. I sit home day after day after day. I don't know how to solve my problems. I told Sy. It got to go out and look for a job. But I had contracts; I was trucking.

(Inaudible)

(Inaudible)...has never been used we knew it was no good all along. We forgot about it. The 69 Brown and what else are you leasing from me?

JT: The 70 Brockway

JS: You still have that?

JT: And the 69 White which you forced me to take. And I don't have the money to put into that.

SR: You have a Ford?

JT: And I have a Ford too. Yes. Which is entirely separate. The Ford was under the first contract and then these.

JS: (Inaudible)... money, right?

JT: Right.

JS: And what year is the Ford?

JT: 71 Ford

JS: 71 Ford. You got two tractors.

JT: Right

JS: They are all tractors

JT: And I don't have the money to fix them. They are all broken down. You know I don't deliberately break down equipment because it doesn't do me any good. I realize that I have a responsibility to you; but it really puts me on a spot!

JS: (Inaudible)...because you don't have the money to fix these things is that what you're telling me?

JT: That's exactly right. And I don't have a trailer.

JS: Which was the bad? Oh no that was the Ford (inaudible). (Pause)---- unless you get money to repair these, you can't make money you're telling me.

JT: JACK to be perfectly frank, I figured to fix one at a time and get going with it and get myself a reefer tractor trailer and get back into action.

SR: How are you going to get a reefer trailer?

JT: Well I could lease one or do something. But I don't have the money to lease one.

JS: SY, you got any ideas? How much money does he owe us?

SR: I don't know let me bring in... and check. (Long pause)-----

SR: The insurance (inaudible).

JT: I was reinstated then it was cancelled again.

JS: What do you suggest SY?

SR: I don't know how any more money is going to help you out.

JT: (Inaudible)...you make a decision. I got \$4,600 in the trailer. I want a check for \$4,600 and then I'll start working and I'll start paying you off on this stuff. That's the only way I can go. The only solution I have. It's a senseless loss for you and for me.

----- (pause) -----

JS: What did you say?

JT: I said it's a senseless loss both for you and for me.

JS: (Inaudible).

JT: I said I got \$4,600 invested in that trailer.

----- (pause) -----

JS: It's three units you got leased from me.

JT: Right! Two of them I never got any use out of.

JS: And you're saying if we did what for you that we'll get paid?

JT: I want \$4,600 JACK cash that I have invested into the trailer and I would like you to redate the other contract starting July 15th and I'll keep my payments up with it. I had to go for a tranny on the Brockway.

JS: You leased a 70 and a 69.

JT: Right.

SR: (Pause) There's another one a 73.

JS: No a 71

JT: It's a 71 Ford

SR: 71 Ford

JS: 71 Ford

(Phone Ringing) (Unrelated background conversation)

JS: SY, you see (inaudible) would you get him to come out here please.

SR: (Inaudible)

JS: I'm so fucking buried with all these moneys that customers owe me that I don't know. JACK would you do me a favor. Just excuse us for a few minutes. Let SY... would you shut the door please. Have a cup of coffee.

(long pause) (unrelated background conversation)

JS: JACK on this alone we can't do anything, but I had a thought. I just thought of something. Do you know JOHN LA MAITA. He doesn't know you. Here's a guy he's in the truck business... (Inaudible)... repair and I was thinking because he's got money this guy, maybe put the two of you together. I just got off the phone with him. I told him that you used to be in the used truck business and he asked me if you were a broker or if you actually operated these trucks. I said you fix them and you put guys in them and they pay you probably a percentage for using them. I told him you needed \$4,200, \$4,300 to get one or two of these trucks rolling I said you had four units with us and owe \$3,000. You need money to go out and get

another trailer. He may have another trailer. I don't know.

JT: Well, no. I got to do first things first. I got to go the first logical route. You know you talk like it's a...

JS: This is a good guy for you to get hooked up with.

JT: I got enough problems working with people. I try to be accomodating and really I just get myself burned.

JS: He knows trucks inside and out. (Pause) Otherwise...

JT: Otherwise the answer is no. I can't see any sense to it. I mean, you know, it's not like you know it's going to help you in any way. It doesn't help you it hurts you.

JS: If I put you with him?

JT: No, No. I'm not talking about him. I'm talking about our individual situation.

JS: Yeah?

JT: You take back the trucks you got to put money into them anyway.

JS: (Inaudible)...JOHN, he'll help you out. (pause) because I can't honestly see you. I can't see you going any place, \$3,000 another \$7,000. I'll have \$30,000 loaned to you. (pause). You got money due here when you were using the trucks. And you were doing nothing.

JT: What's that?

JS: You were doing no business.

JT: The only thing I had was a '61 Ford. That's the only thing I had when...

JS: You had the Brown. You were using the Brown...

JT: I didn't use the... I didn't use... You know... There comes a time when you really got to believe me. I did not use the Brown I got two trips out of it. When did I pick it up November, December.

JS: (Inaudible) What you told me...

JT: It wasn't working. I did use it after 3 or 4 months. I had to get a wiring harness I couldn't fix it. This was taken over by me on condition that it was in good condition. It wasn't...

JS: What I suggest is that you get these 3 pieces over to JOHN LA MAITA's place.

JT: No, I'm not going to get them over there. I can't.

JS: What do you mean you can't.

JT: They're not. They can't be taken over there. You give me my money and then I'll give you the pieces. That's the only thing going to be done JACK.

JS: JACK I'll tell you point blank, I'll be very serious, I'm not asking you, not threatening you, I am telling you, though today is Tuesday, these 3 pieces better be

at his place Thursday. I don't care how you get them there. I don't care what you do. But if I can't find can't find these 3 pieces I'll pick up anything else I can pick up. Don't put yourself in that position...

JT: You put in in that position.

JS: You owe me \$2,900 right now.

JT: JACK, I respect, I, you know, I come down here with a little bit of fear in me because I know what you're capable of.

JS: You don't...

JT: I know, I know I know what you did to FREDDIE...what his name, FREDDIE MC GHEE. And I know you had this guy from Puerto Rico visit me the next day.

JS: JACK!

JT: I understand the subtle and the overt hints.

JS: JACK don't you tell me that you can't that you're not going to deliver my tractors to me. That's your first mistake.

JT: JACK, you dictate to me. I don't dictate to you, but you owe me money now and I want the money.

JS: You owe me \$3,000 JACK. You owe me \$3,000 you have 3 of my units. I'm going to give you and address where they're going to be.

JT: I don't have the money to get them out.

JS: You don't have the money to get them out of where?

JT: To get them out I had the transmission they started to work on it the guy finished it off.

JS: where are they?

JT: Ah, JACK, you know I, I can't...I got to the point where I can't take threats from you.

JS: So, don't take threats.

JT: But you have threatened me. You send this character over to my house I understand.

JS: You haven't seen anything. I just telling you I want my tractors. And now you're telling me that you don't have them you gave them to somebody?

JT: JACK I want my money.

JS: (Inaudible) I asked you a question...

JT: I want my money. I came in on in good faith here and you really don't care what happens to me.

JS: As long as you owe me money I'm not concerned about... what happens to you.

JT: But you owe me money and I care.

JS: You got 3 units of mine. Now when you tell me that somebody got my units and you can't pay him to get them out.

JT: That's right.

JS: Who's the guy?

JT: I'll give you the list when we settle up what you owe me.

JS: JACK!

JT: I don't have any place to go. You got me locked in.

JS: I'll tell you what you better do. You better just walk out of here and start praying to God and go to church and temple whatever you do. I'm not talking to you anymore JACK. You've had it with me. These units aren't returned by you or by somebody else, and I'm going to give you an address right now, by Thursday, you are going to be the sorriest young man that ever lived on this earth.

JT" Yeah.

JS: Forget what happened to anybody else, I'm not concerned about that. You will be, so sorry, I have no conscience JACK I'm telling you right now.

JT: But I got no conscience either. You pushed me in a corner what do you expect me to do?

JS: You got JOHN LA MAITA; I'm going to write it down (pause) give me the address. Yeah and Fran Leasing. (pause) I want their address (pause) how does he spell it. L.A.

SR: L, A, M, A, I, T

JS: L, A, M. what? No, No I don't want his house. I want his office. That's his house. (Pause) Where is that in Mill Neck. Mill Neck is his house, right?

SR: Yeah. He has a place in Maspeth.

JS: Look in Maspeth. There's a place in Maspeth that he has. Where would the Maspeth address be?

SR: Be on the application. What's the address of Fran Leasing.

----- (Pause) -----

SR: Where do you... (Inaudible)...now?

JS: (Inaudible)...probably with the (Inaudible)

JT: I can't do it, JACK. I can't do it and if you threaten me. It doesn't accomplish it doesn't make me do it. I can't make me do it because I can't do it.

JS: Fine then don't.

JT: It's not a question that I have a choice.

JS: I'm telling you these trucks belong to me. And I'm telling you....

JT: Yeah, I understand that

JS: And I'm telling you, you'd better get them there Thursday that's all.

JT: Yeah or else what?

JS: You'll see. That's all.

JT: JACK don't threaten me because when you sent that Puerto Rican over to me house...

JS: I'll tell you what you do JACK...

JT: I came to you in good faith and you sent this guy over there.

JS: JACK, I'll tell you what you do JACK you go to the (Inaudible) and tell them I threatened you, all right? You go right ahead. But don't tell me what I can't do, what I can do. Somebody has something that belongs to me and I don't get it, you or no other fucking living creature, is going to tell me what I can't do. And I'll tell you one thing, if I don't have it Thursday JACK, you won't sleep for the rest of your life. Because you don't know when I'm going to get to you and when I get to you or whoever I'm going to get, you will regret for the rest of your life the day you ever saw me. And I'm going to tell you as calm as I can be; that I have no conscience whatsoever, that if I saw you today and I didn't see you tomorrow, it wouldn't bother me. If you have something you owned today and you don't have it tomorrow, even that don't bother me. So I suggest that at this particular point... First thing that started this whole thing, everything was going fine until you told me I'm not getting my tractors, that's all I had to hear. From this point on boy, you ain't worth shit.

JT: JACK you know you've been dictating from the day I walked in here.

JS: Til the day comes when it's reversed, when you're paying your bills and I don't give you something then you can dictate to me. Up until the time that you owe me and you have my products; things that belong to me I will dictate all fucking day to you. When you got to the other point you can dictate to me.

JT: I'll try to sleep, JACK... (Inaudible)

JS: You can try; but you won't.

JT: Why won't it?

JS: Because you're not going to know when you're going to get hit and I'm telling you; you're going to be a very sorry man.

JT: All right, JACK. I get the message.

JS: You better kiss yourself goodbye.

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DEFENDANTS' EXHIBIT "U"

1.

Conversation during last week of April and
first week of May 1975 between JACK TAYLOR
and VICTOR MIGNOLI

JT - JACK TAYLOR

VM - VICTOR MIGNOLI

JT Hello?

VM Yeah, I'm sorry I didn't get back to you last
night

JT Yeah.

VM I got fucked up down there. The fucking market
ended.

JT Yeah.

VM And then JIMMY MCCABE and fucking DENNIS down on
the expressway. I was bullshitting with them till
about midnight.

JT Who, JIMMY?

VM Yeah, he's up from Florida.

JT: He's up from Florida?

VM And ah I started out for the market about eight
o'clock and I didn't get there until fucking one
o'clock in the morning, sitting on the expressway
bullshitting with them.

JT Yeah.

VM So ah, so what's up?

JT I don't know. You know people do things and I
don't know if they think them out and I don't
know if they know the results.

VM Well I don't know, FREDDIE called me last night
very upset right after you hung up.

JT Yeah?

VM And he wanted to meet...unintelligible...wouldn't
talk over the phone. He wanted to say something.
And I couldn't wait around I had to get to work.

JT Well, let me ask you something. You know people
don't think things out, and the thing like gets
out of hand. Right? And ah you know JACK goes
off on a, he goes off wild and it could involve
a lot of people and I don't know...

VM Far way, which way I mean?

JT Well let me ask you something. Why does FREDDIE owe GAINES money for?

VM Everything.

JT What is, is it anything you sold?

VM Of course.

JT Well then you're going to be involved.

VM Oh just one piece, that's all.

JT What piece was that?

VM The Kenworth. Everything else he brought on his own. You know, I had to guarantee it. Actually between, actually, he got me and FREDDIE on the book for like thirty five thousand.

JT He's got FREDDIE on the book for thirty five grand?

VM Well, between the two of us. You know, the things that we signed for.

JT Yeah, but now he goes and burns down FREDDIE's garage right?

VM How do you know he did? Did he see him.

JT I was told. I mean, you know people talk about it.

VM Well that's wrong.

JT That's wrong?

VM You do something like that you don't talk about it. That don't make sense. Unless you just don't give a shit who knows. I don't know.

JT Well, you know if the police get into it then you got to be involved.

VM Who?

JT You.

VM Why do I got to be involved? For what?

JT Well if they're checking out why it was done or how it was done or anything like that don't you think it's going to get back?

VM So let them come around. What do you want from me? I got nothing to hide. I ain't going to start running from anybody. I got nothing to hide. It's got to be it's got to be. I ain't got nothing to do with it. I told FREDDIE last night. I said I don't know what's going on around here. I ain't got nothing to do with what's going on with you fucking guys. One guy buys a truck from him and you take a truck one day, the next day there's muscle over your house. I don't understand, like you.

JT Well, I don't know what he's angry about. He's obviously very angry with me and I don't know why. Maybe he feels that the a (beep) hello?

VM He's angry with you?

JT What?

VM He's angry with you?

JT Well I guess so if he send muscle around.
(The operator interrupts.)

VM Yeah.

JT You know a, I get very nervous with this shit.

VM I know what you mean.

JT I'm not, you know a, I don't know who JACK is or what he is, I don't know much about the man.

VM He's very powerful, believe me.

JT Well what do you mean by powerful?

VM Very powerful. Believe me.

JT Well you just saying this, or you know?

VM No, I know for a fact. I know a bunch of Guineas you know that know him know him very well, you just don't fuck with the man. And when he goes off the fucking deep end man, leave town! That's what I was told. He goes into these fucking rages and when he's in these rages, he'll have you thrown in the fucking river. That's just what I was told. Without thinking about, fucking about it one second and be sorry for it the next day. That's the type of guy he is. But when he goes off the fucking deep end man he'll do anything. And I got it from very reliable sources who knows him for alot of fucking years. Very good. He's a legalized fucking loanshark. That's all he is in plain language.

JT Well he sent over this Puerto Rican the next day.

VM Yeah.

JT Who the hell is he? Do you know?

VM I don't know, I don't know, he better not come around my fucking house. He'll bite off more than he ~~fucking~~ ~~chews~~ coming around my fucking house. I don't give a fuck how big he is or who he is. That's why I don't know why you guys put up with that shit. I wouldn't put up with it.

What would you do?

What would I do?

JT Yeah?

VM Number one, I'd call a fucking cop. And say cover over my house, this fucker threatened me. If they give any more fucking static with that I'd take a fucking rifle and blow his fucking leg off. In plain fucking language. Let them step on my fucking property, come and threaten me. I'd love to see that. A man can't come around your house and threaten you.

JT Well he didn't threaten me.

VM You say...unintelligible... I don't give a fuck he threatened you or not you tell the cop he threatened you. If he threatened you or not... unintelligible...the man came over my house and threatened to take my life in plain language. If he did it or not.

JT He came over with this guy GROVE.

M Yeah.

JT I'm talking about the next day.

VM Yeah that's your friend GROVE. He's another one who going to bite the fucking dust when I get done with him. After what he did to my fucking truck. I'm going to get even with everybody. You don't know me very well.

JT Who's, who's JACK connected with?

VM Hah?

JT Who's JACK connected with?

VM He's connected with alot of ~~being~~ ^{Fucking} guineas.

JT From where? Brooklyn?

VM New York. New York alot of people.

JT Is that how you met him?

VM Who SCHWARTZ?

JT Yeah.

VM In a roundabout way. I met him through guineas, Yeah.

JT Where does he live, in Manhattan?

VM JACK lives in New York.

JT What street does he live on.

VM I don't know. I never got that deep into it. I don't know, I don't know.

JT Has he ever done anything that you know about or is it just talk?

VM Has he ever done anything?

JT Yeah.

VM Yeah, yeah, yeah. As far as killing somebody you mean?

JT Yeah.

VM Na, I don't think so but he's had guys worked over. He never did nobody in. Not that I know of. If they did I'm sure there ain't nobody that knows about it. You know working somebody over is something else but something like that they're not going to publicize it. Well I can't say the guys I know, he didn't say nothing about that. He just told me that the guys goes off the fucking deep end. He'll spend ten thousand to have you ~~done~~ ~~fucking~~ in. You know if he gets pissed off at you enough. So a...

JT Well, you know he's obviously very pissed off at me and I'm...

VM I don't know why. Why

JT Well I don't know, maybe he's the deals. Maybe he's unhappy with the deals they're not paying you anything. and ... kind of look over the deals and see what the story is and a...

VM Whose tractor that they repossessed over there a blue Ford? Sitting overthere. Is that one of yours?

JT Sitting where?

VM Over at his place.

JT Well I think it has been redeemed. It was a, when did you see it therelast?

VM Last week I think, just before I left.

JT I think a guy came in and picked it up a guy named ALEXANDER.

VM Oh. Oh.

JT You know, I played straight with him but a...

VM Yeah we all did.

JT Well I didn't mean any harm but if there's harm you know, but he's furious. I don't understand.

VM Why don't you sit down and talk with him.

JT He won't talk, he just yells and screams.

VM He yells and screams at you?

JT Yeah, I'm telling you. He threatened me two times. He already threatened me. He says you, he wanted to buy that red and white repo on my lot.

VM Yeah.

JT And that trailer the 71 Freuhauf that was sitting there.

VM Yeah.

JT And I said JACK you know I don't know maybe it's hot I don't want to touch anything that's hot. He says burn it I don't care what you do with it. I said JACK I think the cops have been looking at me you know I think the phone has been tapped. I think they, I think they have been checking me out.

VM Yeah.

JT So I said that I don't want to touch it. I don't want to get involved with it, I don't well he said you better take it or I'll break your legs. I said hey JACK you know and you know the truth of the matter is I came down to buy that 69 but he starts talking to me that way I you know he can't just force me. I can't be forced.

VM Hum

JT You know like he says it to you, you listen to his bullshit and then you lose your temper. But a...

VM He don't threaten me, never did.

JT Well, you know I don't know, maybe he knows where you come from or so.

VM I don't know what he knows but I never got threatened. I argue with him...

JT Well he likes you but he don't like me. That I know from the very beginning. But I didn't deliberately do anything, you know I didn't make most of these sales. The last sales were at the beginning you know DYNAMITE made them and I don't know if there's anything wrong with them or so.

VM No what's the difference, he made it or you made it come from your place what ever he did your responsible for.

JT Yeah I don't deny that but I don't know what a, I don't think they were doctored in any way. You what I mean?

VM Can I pick that Brockway up today?

JT Hey VIC you know you took the trailer, you just put me out of business. What am I going to do with the trailer? What am I supposed to do give you the Brack and the trailer? Do you know how much money I got in those two stinking things? Like 8, 9 thousand dollars.

VM Well we're going to have to do something about it. I got to get them back. He's one me to get them back too.

T What the trailer.

VM Everything., everything. I don't want to cause no confusion. He's starting to get on my ass, believe me. *I don't want to cause NO CONFUSION.*

JT Well, I don't understand, you mean I lost the trailer, is that it?

VM I haven't had a chance to sit down and talk to you at all. I mean you're running around I got the fucking trailer right here. You got the fucking tractor. I told you I want to sit down and get together with you, *VERY Simple.*

JT Fine, I said that we'll sit down and talk.

VM And I asked you a question. I told you the other day I was done fucking around it has nothing to do with my friendship with you I'm sorry whatever happened and it had nothing to do with my friendship with you. It's a business matter I have too many problems that I can not talk to you over the phone with. Starting with Ford Motor Credit right down to CIT right down to GAINES. And I can't do it no more.

JT I understand but what does that got to do with the trailer? First of all the trailer was a . I'm paying them for the trailer I put money into it and you just take it. How did you get it away from EARL anyway?

VM I took it, very simple.

JT You didn't report it to the police.

VM Everything, tractor and trailer is on the hot sheet. It still is the tractor.

JT You didn't report it. I called the police department and asked them.

VM You did huh?

JT Yeah.

VM Alright.

JT They said it wasn't reported.

VM Alright.

JT What he do just give it to you?

VM No I must took it from him. I took it from him. He didn't give me nohting.

JT Well VIC what would you like me to do, seriously.

VM I think the best thing you can do right now is for me, is tell me where the Brockway is let me pick up the Brockway let me get the shit straightened out and get my head clear what I'm going to do and then we can sit down and talk.

JT And what do I do for the trailer nothing?

VM I don't know JACK. Let's sit down and talk. The longer, the more and more you hide the Brockway from me...

JT I'm not hiding the Brockway. The Brockway was on the road, and you nabbed the trailer from me and you put me out of action. The Brockway sitting in Pennsylvania. It needs a clutch or something. The fucking guy comes back and tells me there's a ...

VM What do you mean it's sitting in Pennsylvania?

JT It's at a factory there. The guy made a delivery and I got to get it back. Man I put like three grand into that goddam truck, four grand.

VM He couldn't drive the truck back.

JT Well, I was going to have EARL do it but EARL had to go down south to a funeral or something. I don't know, I'll tow it back or something.

VM Where is it in Pennsylvania? We'll go get it.

JT Well...

VM Or are you telling me a tale?

JT No I'm not... the rest of the tape is unintelligible...

AFFIDAVIT OF MAILING

STATE OF NEW YORK

COUNTY OF KINGS

EASTERN DISTRICT OF NEW YORK, ss:

-----EVELYN COHEN-----, being duly sworn, says that on the -----7th-----
day of -----October, 1976-----, I deposited in Mail Chute Drop for mailing in the
U.S. Courthouse, Cadman Plaza East, Borough of Brooklyn, County of Kings, City and
State of New York, a -----APPENDIX FOR THE APPELLEE-----

of which the annexed is a true copy, contained in a securely enclosed postpaid wrapper
directed to the person hereinafter named, at the place and address stated below:

John N. Iannuzzi, Esq. -----Saxe, Bacon & Bolan, P.C.

233 Broadway -----39 E. 68th Street-----

New York, N.Y. 10007 -----New York, N.Y. 10021-----

Sworn to before me this
7th day of Oct. 1976

Martha Scharf

MARTHA SCHARF
Notary Public, State of New York
No. 24-3480350
Qualified in Kings County
Commission Expires March 30, 1977

Evelyn Cohen